

AMENDED IN ASSEMBLY JULY 2, 1998

AMENDED IN ASSEMBLY JUNE 17, 1998

AMENDED IN SENATE MARCH 16, 1998

**SENATE BILL**

**No. 1659**

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**Introduced by Senator Kopp**

(Principal coauthor: Assembly Member Shelley)

(Coauthors: Assembly Members Murray, Perata, and  
Washington)

February 13, 1998

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An act to *add Section 13207 of, and to repeal Chapter 12* (commencing with Section 13200) of Division 5 of, the Business and Professions Code, and to amend Sections 597v and 597y of, *to amend and repeal Section 597z of, and to amend, repeal, and add Section 597u—of, and to repeal Section 597z—of, the Penal of, the Penal Code*, relating to animal euthanasia.

LEGISLATIVE COUNSEL'S DIGEST

SB 1659, as amended, Kopp. Animal euthanasia.

Existing law regulating animal euthanasia prohibits the use of carbon monoxide gas to kill any dog or cat unless certain conditions are met. Existing law prohibits the killing of any dog or cat by the use of any high-altitude decompression chamber or nitrogen gas. A violation of these prohibitions is a crime punishable as a misdemeanor.

This bill would repeal the limited prohibition against the use of carbon monoxide to kill any dog or cat operative January 1, 2000, and, instead, would prohibit, on and after

January 1, 2000, without limitation, the use of carbon monoxide gas to kill any animal. This bill would make additional conforming changes.

Because this bill would make any use of carbon monoxide gas to kill animals a crime, it would create a state-mandated local program by expanding the scope of an existing crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Chapter 12 (commencing with Section~~  
2     ~~13200) of Division 5 of the Business and Professions Code~~  
3     ~~is repealed.~~

4     *SECTION 1. It is the intent of the Legislature that the*  
5     *State Veterinary Medical Board shall consider the needs*  
6     *of small and rural counties when developing any*  
7     *regulations necessary to implement this act.*

8     *SEC. 2. Section 13207 is added to the Business and*  
9     *Professions Code, to read:*

10    *13207. This chapter shall remain in effect only until*  
11    *January 1, 2000, and as of that date is repealed, unless a*  
12    *later enacted statute, that is enacted before January 1,*  
13    *2000, deletes or extends that date.*

14    ~~SEC. 2.~~

15    *SEC. 3. Section 597u of the Penal Code is amended to*  
16    *read:*

17    *597u. No person, peace officer, officer of a humane*  
18    *society, or officer of a pound or animal regulation*  
19    *department of a public agency shall kill any dog or cat by*  
20    *the use of carbon monoxide gas unless all of the following*  
21    *are satisfied:*

22    *(a) The carbon monoxide gas chamber is equipped*  
23    *with internal lighting and viewport providing direct*

1 visual surveillance of the collapse and death of any dog or  
2 cat within the chamber.

3 (b) The gas generation process is adequate to achieve  
4 a carbon monoxide gas concentration throughout the  
5 chamber of at least 5 percent within 20 minutes after any  
6 dog or cat is placed in the chamber.

7 (c) If chemical generation through the use of sodium  
8 formate and sulfuric acid is used, the generated carbon  
9 monoxide gas has the irritating acid vapors filtered out by  
10 passing it through a 10 percent solution of sodium  
11 hydroxide prior to its entry into the carbon monoxide gas  
12 chamber.

13 (d) If carbon monoxide gas generation is by  
14 combustion of gasoline in an engine, all of the following  
15 shall be satisfied:

16 (1) The engine is maintained in good operating  
17 condition.

18 (2) The engine is operated only at idling speed with  
19 the richest fuel-air mixture the choke permits.

20 (3) Prior to entry into the chamber, the exhaust gas is  
21 cooled so that it does not exceed 125° Fahrenheit.

22 (4) The chamber is equipped with accurate  
23 temperature gauges monitored by attendants to assure  
24 that internal temperature of the chamber does not  
25 exceed 110° Fahrenheit.

26 (5) Prior to its entry into the lethal chamber the  
27 exhaust gas is first passed through an adequate water  
28 filtration process and subsequently through a cloth  
29 filtration process to remove irritants and carbon particles.

30 (6) The noise level from the engine shall not exceed 70  
31 dBA when measured within the chamber.

32 (7) A flexible tubing or pipe at least 24 inches in length  
33 shall be placed between the chamber and the engine to  
34 minimize vibrations.

35 (e) Any dog or cat not covered by Section 597v is  
36 placed in an individual container or compartment of the  
37 carbon monoxide chamber, except dogs or cats from the  
38 same litter and their parents may be placed in the same  
39 container or compartment.

(f) The carbon monoxide gas chamber and its compartments shall be cleaned thoroughly after every cycle of operation.

(g) This section shall remain in effect only until January 1, 2000, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2000, deletes or extends that date.

~~SEC. 3.~~

SEC. 4. Section 597u is added to the Penal Code, to read:

597u. (a) No person, peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency shall kill any animal by the use of carbon monoxide gas.

(b) This section shall become operative on January 1, 2000.

~~SEC. 4.~~

SEC. 5. Section 597v of the Penal Code is amended to read:

597v. No person, peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency shall kill any newborn dog or cat whose eyes have not yet opened by any other method than by the use of chloroform vapor or by inoculation of barbiturates.

~~SEC. 5.~~

SEC. 6. Section 597y of the Penal Code is amended to read:

597y. A violation of Section 597u, 597v, or 597w is a misdemeanor.

~~SEC. 6. Section 597z of the Penal Code is repealed.~~

SEC. 7. Section 597z of the Penal Code is amended to read:

597z. (a) A humane officer appointed under Section 14502 of the Corporations Code or the State Sealer may enter any facility utilizing a carbon monoxide gas chamber for the purpose of inspecting the operation of such facility to determine whether there is compliance with Section 597u.

1     *(b) This section shall remain in effect only until*  
2     *January 1, 2000, and as of that date is repealed, unless a*  
3     *later enacted statute, that is enacted before January 1,*  
4     *2000, deletes or extends that date.*

5     ~~SEC. 7.~~

6     SEC. 8. No reimbursement is required by this act  
7     pursuant to Section 6 of Article XIII B of the California  
8     Constitution because the only costs that may be incurred  
9     by a local agency or school district will be incurred  
10    because this act creates a new crime or infraction,  
11    eliminates a crime or infraction, or changes the penalty  
12    for a crime or infraction, within the meaning of Section  
13    17556 of the Government Code, or changes the definition  
14    of a crime within the meaning of Section 6 of Article  
15    XIII B of the California Constitution.

16    Notwithstanding Section 17580 of the Government  
17    Code, unless otherwise specified, the provisions of this act  
18    shall become operative on the same date that the act  
19    takes effect pursuant to the California Constitution.

